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Public Utility Commission of Texas

Marlene H. Dortch - Secretary
Federal Communications Commission
445 Twelfth Street, S.W. - TWA 325
Washington, D.C. 20554

Irene Flannery - Vice-President of High Cost and Low Income Divisions
Universal Service Administrative Company
2000 L. Street, NW - Suite 200
Washington, D.C. 20036

October 20, 2006

RE: *Federal-State Joint Board on Universal Service, CC Docket No. 96-45*

TPUC Project No. 25787 - FCC Letters Regarding ETC Designation Pursuant to FTA '96 § 214(e) (2)

TPUC Docket No. 33126 – Application of W.T. Services, Inc. for Designation as an Eligible Telecommunications Carrier (ETC), and for Designation as an Eligible Telecommunications Provider (ETP)

ETC Designation of W.T. Services, Inc.

Pursuant to Section 214(e) (2) of the Communications Act of 1934, as amended (the "Act") and 47 C.F.R. sections 54.201 – 54.203, the Texas Public Utility Commission (TPUC) has granted eligible telecommunications carrier (ETC) designation to W.T. Services, Inc. (W.T. Services). The attached *Order No. 3*, Docket No. 33126, issued on October 9, 2006 grants W.T. Services ETC designation in HRFRTXHF, an AT&T wire center.

If you require any additional information please call Rick Talbot at (512)-936-7257.

S. G. [signature]
USIA CODE



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Sincerely,

A handwritten signature in black ink that reads "Rick Talbot". The signature is written in a cursive, slightly slanted style.

Rick Talbot – Policy Analyst
Communication Industry Oversight Division - Texas Public Utility Commission

cc: attachments

PATUSF33126 WT Services ETC-ETP33126 WT Services FCC USAC Letter.doc

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DOCKET NO. 33126

APPLICATION OF W.T. SERVICES, INC. §
FOR DESIGNATION AS AN ELIGIBLE §
TELECOMMUNICATIONS CARRIER §
(ETC) AND AS AN ELIGIBLE §
TELECOMMUNICATIONS PROVIDER §
(ETP) §

PUBLIC UTILITY COMMISSION

OF TEXAS

ORDER NO. 3
NOTICE OF APPROVAL FOR DESIGNATION AS
AN ELIGIBLE TELECOMMUNICATIONS CARRIER
AND AS AN ELIGIBLE TELECOMMUNICATIONS PROVIDER

Procedural History

On August 25, 2006, W.T. Services, Inc. (W.T. Services) filed an application for designation as an eligible telecommunications carrier (ETC) pursuant to P.U.C. SUBST. R. 26.418 and as an eligible telecommunications provider (ETP) pursuant to P.U.C. SUBST. R. 26.417. W.T. Services sought ETP and ETC designation in the exchange of Hereford, which is within the service area of AT&T Texas (AT&T). On August 30, 2006, W.T. Services filed a letter clarifying that they are seeking ETC and ETP designation in the AT&T wire center, HRFRTXHF. In addition, W.T. Services requested a waiver of P.U.C. SUBST. R. 26.417(c)(1)(A) so that its ETC and ETP applications may be processed simultaneously. No party intervened in this proceeding.

On October 3, 2007, Commission Staff (Staff) filed its recommendation that W.T. Services be granted ETC and ETP designation based on the following:

Designation as Eligible Telecommunications Carrier

To qualify for ETC status a carrier must meet the following criteria:¹

1. The company must be a common carrier as defined by Federal Telecommunications Act of 1996 (FTA), Section 3(10).

¹ 47 C.F.R. § 54.201 (b)-(d).

2. The company must offer the following services,² using its own facilities or a combination of its own facilities and the resale of another carrier's services:³
 - a. Voice grade access to the public switched network,
 - b. Local usage,
 - c. Dual Tone Multi Frequency signaling or equivalent,
 - d. Single party service or its equivalent,
 - e. Access to 911 or enhanced 911,
 - f. Access to operator services,
 - g. Access to interexchange service,
 - h. Access to directory assistance,
 - i. Toll blocking for qualifying low income customers, and
 - j. Toll control for qualifying low-income customers.
3. The company must advertise the availability of the above services and the charges for the services in media of general distribution.⁴
4. The company must provide Lifeline and Link Up support and may not collect a deposit from a customer receiving such support if the customer also elects toll blocking.⁵

W.T. Services meets all of the above criteria. W.T. Services will advertise the designated services and their rates through notices using media of general distribution. W.T. Services will provide the required services by utilizing its own facilities and purchased unbundled network

² 47.C.F.R. § 54.101.

³ 47 C.F.R. § 54.201.

⁴ 47 C.F.R. § 54.201.

⁵ 47 C.F.R. § 54.405.

elements. W.T. Services provided a proposed Lifeline and Link Up tariff in Attachment B of its ETP application.

W.T. Services has not requested any waivers of Federal Communications Commission (FCC) requirements. W.T. Services commits to offer toll limitation services in accordance with 47 C.F.R. §§ 54.400 and 54.401.

AT&T serves the HRFRTXHF wire center for which W.T. Services requests Universal Service Fund (USF) support. AT&T is not a rural carrier.

Staff's analysis of the application concludes that W.T. Services meets all requirements established by the FCC for designation as an ETC.

Designation as Eligible Telecommunications Provider

P.U.C. SUBST. R. 26.417(f)(1)(B)(i)(I) requires carriers applying for ETP status to meet the definition of a local exchange carrier (LEC) as defined in P.U.C. SUBST. R. 26.5. W.T. Services meets this definition.

P.U.C. SUBST. R. 26.417(f)(1)(B)(i)(II) requires carriers applying for ETP status to show that they have been granted ETC status for federal universal service support pursuant to U.S.C. § 214(e). ETP and ETC designations are being handled concurrently in this consolidated docket.

P.U.C. SUBST. R. 26.417(f)(1)(B)(i)(III) requires carriers to specify the Texas High Cost Universal Service Plan (THCUSP) or small or rural incumbent local exchange carrier (ILEC) service area in which they propose to be an ETP. W.T. Services specifies the HRFRTXHF wire center which is a THCUSP service area.

P.U.C. SUBST. R. 26.417(f)(1)(B)(i)(III) requires applicants for ETP status to show that they offer the designated services defined in P.U.C. SUBST. R. 26.403 throughout the THCUSP or small and rural ILEC service area for which the carriers seek ETP status. The designated services required for ETP status are:

1. Flat rate single party service including primary directory listings;
2. Tone dialing;
3. Access to Operator Services;
4. Access to Directory Assistance Services;
5. Access to 911 service when provided by local authority;
6. Dual Party Relay service;
7. Ability to report service problems seven days a week;
8. Availability of annual local directory;
9. Access to toll service; and
10. Lifeline and Link Up Services.

P.U.C. SUBST. R. 26.417(f)(1)(B)(i)(III) also requires applicants to assume the obligation to provide the services required under P.U.C. SUBST. R. 26.403 to any customer. W.T. Services stated that it meets and assumes the responsibility to offer the basic services defined in P.U.C. SUBST. R. 26.403 to all customers throughout the areas for which it seeks ETP designation.

P.U.C. SUBST. R. 26.417(f)(1)(B)(i)(IV) requires that applicants show they offer the designated services through a means other than total service resale. W.T. Services offers services through the use of its facilities and purchased unbundled network elements, and therefore meets this requirement.

P.U.C. SUBST. R. 26.417(f)(1)(B)(i)(V) – (VI) requires applicants to show that they have offered continuous service that meets the quality of service standards in P.U.C. SUBST. R. 26.52 -26.54, and that they offer Lifeline and Link Up services in compliance with P.U.C. SUBST. R. 26.412. W.T. Services meets these requirements. P.U.C. SUBST. R. 26.417(f)(1)(B)(i)(VII) requires applicants to advertise the availability of, and charges for, the designated services using media of general distribution. W.T. Services commits to meeting this requirement.

W.T. Services has also committed to offering the required designated services at a rate not to exceed 150% of the ILEC's tariffed rate in the same designated areas pursuant to the requirements of P.U.C. SUBST. R. 26.417(c)(1)(B).

Staff's analysis of the application concludes that W.T. Services meets the requirements established by P.U.C. SUBST. R. 26.417 for designation as an ETP.

Ordering Paragraph

In accordance with Staff's recommendation and for all the reasons stated therein, W.T. Services is granted ETC and ETP designation in the AT&T wire center, HRFRTXHF.

SIGNED AT AUSTIN, TEXAS the 9th day of October 2006.

PUBLIC UTILITY COMMISSION OF TEXAS


ANDREW KANG
ADMINISTRATIVE LAW JUDGE